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Attorneys for Proposed Intervenor, Jeffrey K. Berns

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE MATTER OF THE TAX
LIABILITIES OF:

JOHN DOES, United States persons who,
at any time during the period January 1,
2013, through December 31, 2015,
conducted transactions in a convertible
virtual currency as defined in IRS Notice
2014-21.

Case No.: 3:16-cv-06658-JSC

**[PROPOSED] ORDER GRANTING
MOTION TO INTERVENE, TO QUASH
SUMMONS, OR FOR PROTECTIVE
ORDER, OR FOR AN ORDER
SCHEDULING AN EVIDENTIARY
HEARING AND PERMITTING LIMITED
DISCOVERY**

Courtroom: F, 15th Floor
Judge: Hon. Jacqueline Scott Corley

Case No.: 3:16-cv-06658-JSC

**[Proposed] Order Granting Motion to Intervene, to Quash Summons, or for Protective Order, or
for an Order Scheduling an Evidentiary Hearing and Permitting Limited Discovery**

1 TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 The Court has received and reviewed the Motion to Intervene, to Quash Summons, or for
3 Protective Order, or for an Order Scheduling an Evidentiary Hearing and Permitting Limited
4 Discovery by Movant-Proposed Intervenor Jeffrey K. Berns ("Movant").

5 GOOD CAUSE APPEARING, it is hereby ORDERED that:

- 6 1. Movant's Motion to Intervene is GRANTED; and
7 2. ____ Movant's Motion to Quash is GRANTED. The United States of America's
8 Summons to Coinbase, Inc. (the "Summons"), which was ordered to be served pursuant
9 to this Court's Order dated November 30, 2016, is quashed and Coinbase, Inc. is
10 ordered not to produce documents in response to the Summons; or

11 ____ Movant's Motion for a Protective Order is GRANTED as follows
12
13 _____
14 _____
15 _____; or

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17 ____ Movant's Motion seeking an Order Scheduling an Evidentiary Hearing and
18 Permitting Limited Discovery is GRANTED. Movant is permitted to conduct limited
19 discovery concerning the Summons in advance of the limited Evidentiary Hearing.
20 Within seven (7) days of this Order, Movant shall be entitled to serve document
21 requests for the United States of America ("Petitioner") to produce documents related to
22 the Summons upon Amy Matchison, counsel for Petitioner in this matter. Petitioner
23 shall produce documents responsive to Movants' document requests within thirty (30)
24 days of receipt of the requests. Petitioner shall produce Internal Revenue Service Senior
25 Agent David Utzke for a deposition by Movant concerning the Summons and the
26 documents produced by Petitioner in response to Movant's document requests on a
27 mutually convenient date, and at a mutually convenient location for the witness,
28 Petitioner and Movant, no more than twenty-one (days) from when the Petitioner

1 produces documents in response to Movant's document requests. Petitioner and Movant
2 shall jointly provide the Court with three potential dates for a limited Evidentiary
3 Hearing concerning the Summons that is consistent with the foregoing schedule.
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5 **IT IS SO ORDERED.**

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7 Dated: _____, 2017

8 Hon. Jacqueline Scott Corley
9 UNITED STATES MAGISTRATE JUDGE
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